

to a data receiving apparatus and process.

In response to the Office Action of June 28, 2007, the Applicants filed a Response to Restriction on July 26, 2007 and elected invention 2, including claims 58-62 and 68-72 drawn to a data receiving apparatus and process.

On September 6, 2007 the Examiner issued (i) a 35 U.S.C. § 112, second paragraph rejection, (ii) a double patenting rejection of claims 58 and 68 for non-statutory obviousness-type double patenting for broadening the scope of claims 5 and 14 of U.S. Patent No. 6,914,903, and (iii) rejections under 35 U.S.C. §§ 102 and 103 in view of prior art.

In response to the Office Action of September 6, 2007, the Applicants filed an Amendment cancelling all of the pending claims and adding new claims 73-78. New claims 73-78 were drafted to (i) place the subject matter of elected claims 58-62 and 68-72 in better U.S. form, (ii) overcome the 35 U.S.C. § 112 rejection, (iii) overcome the double patenting rejection by reciting limitations which are not recited in claims 5 and 14 of U.S. Patent No. 6,914,903, and (iv) add limitations to overcome the prior art cited in the 35 U.S.C. §§ 102 and 103 rejections.

It should be noted that new independent claim 73 (i) is directed to a data reception method, and (ii) corresponds to previously presented claim 58 which was identified as elected invention 2 and was directed to a data reception method. Further, it should be noted that new independent claim 76 (i) is directed to a data reception apparatus, and (ii) corresponds to previously presented claim 68 which was identified as elected invention 2 and was directed to a data reception apparatus.

Thus, in view of the above, it is clear that new independent claims 73 and 76 are directed to the subject matter of elected invention 2 (i.e., data reception apparatus/process). Therefore, the Examiner's position, as stated in the Office Action of February 20, 2008 is incorrect, since new claims 73 and 76 are directed to the elected invention and are not directed to a non-elected invention.

However, after contacting the Examiner, via telephone on or around March 3, 2008 to discuss this issue, the Examiner indicated that the subject matter of new independent claims 73 and 76 is directed to a non-elected invention because claims 73 and 76 include additional

limitations in relation to elected claims 58 and 68. The Examiner's position is incorrect.

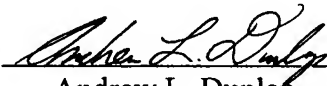
As discussed above, the Applicants have elected invention 2 which is drawn to a reception apparatus and process. New claims 73 and 76 are still directed to the elected invention, but include additional limitations which narrow the scope of the originally elected claims. It is noted that the MPEP does not prohibit amending claims directed to an elected invention in order to further limit the scope of the elected invention for purposes of clarifying limitations to overcome the referenced prior art.

Therefore, for the reasons discussed above, withdrawal of the Examiner's position set forth in the Office Action of February 20, 2008 is respectfully requested.

In view of the above remarks, it is submitted that the prior Amendment mailed on December 6, 2007 does not include claims directed to a non-elected invention. Thus, further examination of this application is respectfully requested. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

Akihiro MIYAZAKI et al.

By:   
Andrew L. Dunlap  
Registration No. 60,554  
Attorney for Applicants

ALD/led  
Washington, D.C. 20006-1021  
Telephone (202) 721-8200  
Facsimile (202) 721-8250  
March 21, 2008